

ASSEMBLY BILL

No. 2152

Introduced by Assembly Member Nielsen

February 18, 2010

An act to amend Section 12807 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2152, as introduced, Nielsen. Firearms: handgun safety certificates: exceptions.

Existing law, subject to exceptions, makes it a misdemeanor to purchase or receive a handgun without a handgun safety certificate, or to sell, deliver, or transfer a handgun to any person who does not have a handgun safety certificate. Existing law excepts various persons from the handgun safety certificate requirements, including active members and honorably retired members of the Armed Forces, as specified.

This bill would additionally except honorably discharged members of the United States Armed Forces, the National Guard, the Air National Guard, and the active reserve components of the United States, as specified, from the handgun safety certificate requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12807 of the Penal Code is amended to
2 read:

1 12807. (a) The following persons, properly identified, are
2 exempted from the handgun safety certificate requirement in
3 subdivision (b) of Section 12801:

4 (1) Any active or honorably retired peace officer, as defined in
5 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

6 (2) Any active or honorably retired federal officer or law
7 enforcement agent.

8 (3) Any reserve peace officer, as defined in Section 832.6.

9 (4) Any person who has successfully completed the course of
10 training specified in Section 832.

11 (5) A firearms dealer licensed pursuant to Section 12071, who
12 is acting in the course and scope of his or her activities as a person
13 licensed pursuant to Section 12071.

14 (6) A federally licensed collector who is acquiring or being
15 loaned a handgun that is a curio or relic, as defined in Section
16 478.11 of Title 27 of the Code of Federal Regulations, who has a
17 current certificate of eligibility issued to him or her by the
18 department pursuant to Section 12071.

19 (7) A person to whom a handgun is being returned, where the
20 person receiving the firearm is the owner of the firearm.

21 (8) A family member of a peace officer or deputy sheriff from
22 a local agency who receives a firearm pursuant to Section 50081
23 of the Government Code.

24 (9) Any individual who has a valid concealed weapons permit
25 issued pursuant to Section 12050.

26 (10) An active, or honorably retired member, *or honorably*
27 *discharged member*, of the United States Armed Forces, the
28 National Guard, the Air National Guard, *or* the active reserve
29 components of the United States, where individuals in those
30 organizations are properly identified. For purposes of this section,
31 proper identification includes the Armed Forces Identification
32 Card, or other written documentation certifying that the individual
33 is an active, or honorably retired member, *or honorably discharged*
34 *member*.

35 (11) Any person who is authorized to carry loaded firearms
36 pursuant to subdivision (c) or (d) of Section 12031.

37 (12) Persons who are the holders of a special weapons permit
38 issued by the department pursuant to Section 12095, 12230, 12250,
39 or 12305.

1 (b) The following persons who take title or possession of a
2 handgun by operation of law in a representative capacity, until or
3 unless they transfer title ownership of the handgun to themselves
4 in a personal capacity, are exempted from the handgun safety
5 certificate requirement in subdivision (b) of Section 12801:

6 (1) The executor or administrator of an estate.

7 (2) A secured creditor or an agent or employee thereof when
8 the firearms are possessed as collateral for, or as a result of, or an
9 agent or employee thereof when the firearms are possessed as
10 collateral for, or as a result of, a default under a security agreement
11 under the Commercial Code.

12 (3) A levying officer, as defined in Section 481.140, 511.060,
13 or 680.260 of the Code of Civil Procedure.

14 (4) A receiver performing his or her functions as a receiver.

15 (5) A trustee in bankruptcy performing his or her duties.

16 (6) An assignee for the benefit of creditors performing his or
17 her functions as an assignee.